

Remarks

Claims 23-31 are pending.

Rejections Under 35 U.S.C. § 112

Claims 23-31 were rejected under Section 112 as being indefinite. In support of the rejection, the Office states:

"The term 'may be selected' is not defined by the claim, it can be considered as 'may' or 'may not be selected', and the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Office Action, page 3.

Claim 23 recites "displaying a user interface from which one or more of multiple destination devices may be selected to receive data...." This element in Claim 23 clearly does not read on displaying a UI from which a device may *not* be selected (unless, of course, devices that may be selected are also displayed). It is clear that "may be selected" does not mean "may or may not be selected." The Office's assertion to the contrary is not correct. (Applicants note that this element of Claim 23 gives the user the option of selecting one or more of multiple destination devices – it is irrelevant to this element whether or not the user chooses to make a selection.)

The same analysis applies to Claims 27, 28 and 31. There is nothing indefinite about the phrase "may be selected" in Claims 23, 27, 28 and 31.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 23-25 and 27-31 have been rejected under Section 102 as being anticipated by Leclair 2003/0055866. Claim 26 was rejected under Section 103 as being obvious over Leclair in view of Neuman 6744761.

Claims 23 and 28 recite the input peripheral scanning a document in response to the destination device requesting that the input peripheral begin transmitting data. Claims 27 and 31 recite the input peripheral scanning a document in response to an acknowledgement from the selected destination device. In Leclair, input device 650 has already scanned the document and converted the images to digital data before receiving any communication from destination device 600. Leclair paragraph [0038]. Leclair, therefore, does not teach all of the limitations of Claims 23, 27, 28 and 31.

Claims 25, 27 and 30-31 also recite a two tiered destination selection scheme. Claim 27, for example, recites displaying a user interface from which one or more of multiple destination devices and one or more resources on one or more of the devices may be selected to receive data from an input peripheral.

In support of the rejection of Claims 25 and 27, the Office states "[f]rom the input device/scanner/fax, the user can input various network addresses, a fax number (a resource) of the selected destination to transmit data, e.g., [0038]-[0039], and [0042], [0053]) may be selected...." Office Action page 5. This statement is not accurate. There is nothing in Leclair that even remotely suggests a fax number is a resource on a destination device. Indeed, Leclair does not even mention a fax number in any context. With regard to a fax machine, Leclair teaches only that when the input device 650 is "a fax machine that accepts a document" the user is allowed input "various network addresses that would like to receive the faxed information." Leclair paragraph [0038]. There is not the least suggestion at all in Leclair that the user is also allowed to input a fax number or any other resource at the network address/destination device. If the Office disagrees, it is respectfully requested to specifically point out *and explain* those passages in Leclair that support the Office's position.

For these additional reasons, Claims 25, 27 and 30-31 distinguish patentably over Leclair.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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